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September 21, 2022

VIA EMAIL

The Honorable Dan Aaron Polster
United States District Court
Northern District of Ohio
Carl B. Stokes United States Court House
801 West Superior Avenue, Courtroom 18B
Cleveland, OH 44113-1837

Re: September 23 conference—second Abbott status report

Dear Judge Polster:

Please accept this second status report of Abbott Laboratories and Abbott Laboratories Inc. (collectively “Abbott”) concerning remaining manufacturer and distributor defendants named in MDL cases, sometimes referred to as “second-tier defendants.” This letter is submitted in advance of the Court’s September 23 status conference per the Court’s instructions, as reflected in the docketed minutes of the June 22, 2022 conference.

In its first status report Abbott reported:

Almost from the beginning of this MDL, Abbott has been engaging with the counsel for plaintiffs in the MDL and in state courts to discuss resolution of these opioid cases. This engagement is ongoing. To date, in large part because of Abbott’s unique circumstances and prior settlements, this effort has achieved substantial results across the spectrum of cases.

Status Report dated June 16, 2022 (Doc. # 4536). Abbott also promised to continue its “one-on-one engagement with plaintiffs’ lawyers in MDL and state-court cases.” *Id.* at 2.

Abbott followed through on that promise and can now report that its process of engaging directly with plaintiffs who have claims against Abbott continues to produce tangible results. Since June 16, Abbott has successfully resolved another municipality case, two more third-party payor cases, and another personal-injury case. In addition, Abbott is in active communication with lawyers representing plaintiffs in more than 30 additional cases with the goal of resolving them. I am hopeful that we will be able to report favorable developments in those cases and initiate discussions with other remaining plaintiffs.



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Abbott appreciates that the Court stands ready to assist in this process if necessary, but because its direct engagement with plaintiffs is making progress, Abbott continues to believe that neither the assistance of the Court nor a structured mediation process would be beneficial at this time.

In its first status report, Abbott asked the Court to allow its process of one-on-one engagement with MDL and state-court plaintiffs to continue. The Court did so, which has resulted in material progress in resolving claims. Abbott asks that the Court allow this process to continue unimpeded.

Sincerely,

A handwritten signature in black ink, appearing to read "John A. McCauley".

John A. McCauley

JAM
56440776

cc: Special Master David R. Cohen (david@specialmaster.law)
Justin Washburne (Justin_Washburne@ohnd.uscourts.gov)